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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,758	05/26/2006	Malcolm Bell	17178.010	8687

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
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IRVINE, CA 92614-2558

EXAMINER

DURAND, PAUL R

ART UNIT	PAPER NUMBER
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3721

MAIL DATE	DELIVERY MODE
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10/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,758	Applicant(s) BELL, MALCOLM	
	Examiner PAUL R. DURAND	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-16, 21-25, 34, 35, 39, 44-46, 48, 51, 53 and 54 is/are rejected.
- 7) ☒ Claim(s) 4-6, 17-20, 26-33, 36-38, 40-43, 47, 49, 50, 52 and 55 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/23/06, 9/12/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7-9, 15, 21, 22, 51 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Bavak Beveillingsgroep et al. (EP 0 852 279).

In claims 1, 15, 21, 22 and 51, Bavak discloses the invention as claimed including a packaging device comprising an output port (in the vicinity of member 15), supplying sheet objects 3, to be stacked in a container 2, a docking mechanism (generally 107), to receive the container, a drive mechanism 18, 19, 23 and 24, driving the sheet objects to the output port and into the container to be stacked therein, sealing device 12 and 13, to seal a closure member (part of the container itself) onto the container opening while held by the docking mechanism (see figures 1-4 and col. 8, line 43 – col. 10, line 48).

In claims 7-9 and 54, Bavak discloses the invention as claimed including electric heating means 12 and 13, main body 106, frame (generally 107), so that the a container can be mounted within the frame and input path located between frame and main body (see figure 4).

3. Claims 23-25, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by NCR International (EP 1 258 842).

In claims 23, 44 and 45, NCR discloses the invention as claimed including a container for packaging sheet objects comprised of an opening (no number, but generally the top of the carton) to receive the sheet objects 108, in the form of banknotes, a base (generally the bottom), sidewalls 102, extending towards the opening from the base, support rails (flaps) coupled to the side walls on opposite sides of the opening, closure member 104, sealed thereto over the opening so that the container cannot be reused for stacking sheet objects once opened (see figures 2a, 2b).

In claims 24 and 25, NCR discloses the invention as claimed including support rails with wings (the flaps) hinged on opposite sidewalls internally hinged to a lip (the rim of the sidewall) on opposed ones of said sidewalls for movement from a storage position exteriorly of the opening, to an operative position within the opening.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34, 35, 39 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over NCR.

NCR discloses the invention as claimed including container 102, which can be stacked inside itself with multiple containers. What NCR does not disclose is the material being comprised of a formed polymer and an RFID tag. However, the

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examiner takes Official Notice that it is old and well known in the art to manufacture a container from molded plastic and utilize an RFID tag for the purpose of manufacturing a low cost container, which can be identified by an end user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of MCR with a molded plastic container and RFID tag for the purpose of manufacturing a low cost container, which can be identified and tracked by an end user.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bavak in view of Hofmann et al. (US 6,922,973).

Bavak discloses the invention as claimed except for the use of a printer. However, Hofmann teaches that it is old and well known in the art to provide a packaging machine, with printing means (not shown) which can print information onto a closure member for the purpose of supplying information relevant to the bundle to an end user (see col. 2, line 62-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Bavak with the printing means as taught by Hofmann for the purpose of supplying information relevant to the bundle to an end user.

7. Claims 10-14 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bavak in view of Mori et al. (US 4,784,274).

In claim 10-12, Bavak discloses the invention as claimed except for a discriminator which can count and discriminate banknotes placed into it. However, Mori

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teaches that it is old and well known in the art to provide a discriminator utilizing sensors for the purpose of counting and determining whether a counterfeit banknote is being inserted into the machine.

Moreover and in regard to claims 13, 14 and 53, Mori further teaches that it is old and well known in the art to provide to utilize a spring loaded platen 16, attached to a pivoted and hinged frame for the purpose of compacting currency placed into a machine (see figure 1 and col. 3, lines 10-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Bavak with the discrimination means and platen as taught by Mori for the purpose of consolidating and counting banknotes.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bavak in view of NCR.

Bavak discloses the invention as claimed including a bag for receiving the contents. What Bavak does not disclose is a rigid container. However, NCR teaches that it is old and well known in the art to provide a container comprised of an opening (no number, but generally the top of the carton) to receive the sheet objects 108, in the form of banknotes, a base (generally the bottom), sidewalls 102, extending towards the opening from the base, support rails (flaps) coupled to the side walls on opposite sides of the opening, closure member 104, sealed thereto over the opening so that the container cannot be reused for stacking sheet objects once opened (see figures 2a, 2b).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Bavak with the rigid container means as taught by NCR for the purpose of securely holding banknotes.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over NCR in view of Hofmann et al. (US 6,922,973).

Bavak discloses the invention as claimed except for the use of a printer. However, Hofmann teaches that it is old and well known in the art to provide a packaging machine, with printing means (not shown) which can print information onto a closure member for the purpose of supplying information relevant to the bundle to an end user (see col. 2, line 62-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of NCR with the printing means as taught by Hofmann for the purpose of supplying information relevant to the bundle to an end user.

Allowable Subject Matter

10. Claims 4-6, 17-20, 26-33, 36-38, 40-43, 47, 49, 50, 52 and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. DURAND whose telephone number is (571)272-4459. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAUL R. DURAND/
Primary Examiner, Art Unit 3721
October 8, 2008